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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,840	04/09/2004	Akinori Zaitzu	1019952-000160.001	8478
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EXAMINER DESANTO, MATTHEW F				
ART UNIT 3763		PAPER NUMBER		
NOTIFICATION DATE 09/27/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary

Application No.

10/820,840

Applicant(s)

ZAITSU ET AL.

Examiner

MATTHEW F. DESANTO

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 23, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I in the reply filed on 03/08/2010 is acknowledged. The traversal is on the ground(s) that the claims can be examined without a serious burden. This is not found persuasive because each independent claim requires the examiner to search in several different classes and subclasses, thus adding tens of thousands of patents to search through.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 13, 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 07/08/2010.

Claim Objections

3. The claim objection is withdrawn because of the amendment to the claims.

Claim Rejections - 35 USC § 112

4. The 112 Rejection is withdrawn because of the amendments to the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4-12, 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Meinzer et al. (USPN 5,782,805).

Meinzer et al. discloses a medical pump monitoring system which administers medical fluids and the like for a patient using a plurality of medical pumps, and monitors flows of delivered fluids and alarm information of the medical pumps by wired through cable communication and/or wireless communication, the medical pump monitoring system comprising: a control unit (microprocessors); a display unit (23+29); an infusion circuitry creating unit (the programs described in Column 6 - Column 8) for creating infusion circuitry data defining the connection conditions of infusion lines from the plurality of medical pumps, and administration passes and/or administration positions for the patient said control unit controlling said display unit and it is made possible to display the created infusion circuitry data with information from the plurality of medical pumps connected according to the created infusion circuitry data, in a pump information display area created in the infusion circuitry creating means on a monitor screen of said display unit according to by operations by from an operator of the medical pump monitoring system; and the pump information display area including, an area for displaying respective operation conditions of different ones of the medical pumps in a visually distinguishing manner, wherein at least a normal operation condition is visually indicated in a first manner, an alarm condition is indicated in a second manner visually distinguishable from the first manner, an interruption of the administration operation is

indicated in a third manner visually distinguishable from the first and second manners, and a condition where the medical pump is not connected is indicated in a fourth manner visually distinguishable from the first, second and third manners, areas for displaying respective flow amounts of the medical pumps, areas for displaying respective alarm information for medical pumps, areas for displaying respective administered drug information for medical pumps, and an area for displaying the infusion circuitry for delivery medical fluids to the patient according to the created infusion circuitry data.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1, 2, 4-12, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meinzer et al. as applied to claims above, and further in view of Mann et al. (USPN 7,109,878).

9. Meinzer et al. discloses the claimed invention except for a reading unit for reading infusion circuitry diagram.

10. Mann et al. discloses a RF programmer and infusion pump and sensor that communicates wireless and transmits information and infusion circuitry (Column 9 and 10 – for the reading unit and throughout the specification for the circuitry and programs to run the infusion pattern).

11. At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the device of Meinzer with the wireless communication and circuitry and processing of Mann et al. because Mann et al. provides the benefit of an easier to use device because a programmer with a reader can be used so it would be easier to upload the information and data relating the patient. The programs and infusion patterns taught in Mann et al. also provide an added benefit because it provides an easier to use device and more user friendly device.

Response to Arguments

12. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW F. DESANTO whose telephone number is (571)272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew DeSanto
/Matthew F DeSanto/
Primary Examiner, Art Unit 3763